

DMA Policy: 3-0210

Name: Overtime and Non-Exempt Compensatory Time

Reference: MOM 3-0210

Reference: FLSA, Title 29 U.S.C., CHAPTER 8

Approval Signature: Karen Jensen

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OVERTIME AND NON-EXEMPT COMPENSATORY TIME

FOR EMPLOYEES COVERED UNDER THE FAIR LABOR STANDARDS ACT (FLSA) OVERTIME AND NONEXEMPT COMPENSATORY TIME (MOM Policy 3-0210)

It is the policy of the Department of Military Affairs to comply with the Federal Fair Labor Standards Act of 1938. Nothing in this policy guarantees that a covered employee will be allowed to work hours which result in the payment of overtime compensation or the accrual of nonexempt compensatory time in lieu of overtime compensation

1. Supervisory personnel are responsible for ensuring that any hours worked causing an employee to accrue overtime and/or nonexempt compensatory hours are necessary in order to accomplish a departmental task, and that overtime expenditures can be paid within the approved budget and/or that the work unit will not be disrupted when an employee takes earned nonexempt compensatory time off.
2. Supervisors and employees will adjust the hours of the workweek whenever possible to avoid the accrual of overtime or compensatory time.
3. An employee's supervisor will approve the accrual of overtime and/or nonexempt compensatory hours in advance of the performance of any work causing an employee to work in excess of 40 hours each week whenever possible.
4. Nonexempt employees authorized to work in excess of 40 hours per week must be compensated for the excess time worked in one of the following methods:
 - (a) Cash compensation of excess hours at 1½ times their hourly rate; or,
 - (b) Upon mutual agreement of the employee and management, an employee may be allowed to accrue and use nonexempt compensatory time in lieu of cash compensation. This time will accrue at the rate of 1½ hours for each hour of overtime worked.

An employee must sign a nonexempt compensatory time agreement which will be kept in the employee's official personnel file. When this form is signed by the employee and the supervisor, it waives the employee's right to overtime cash compensation and allows the accrual of compensatory time. If desired, the employee may change his/her election once every 12 months. The accrual of nonexempt compensatory time or overtime must be recorded on each time sheet at the time it is earned.

5. Nonexempt compensatory time may not be accrued beyond 60 hours. Employees will receive overtime pay for any authorized overtime worked beyond the accrual limit. It is the responsibility of the employee and supervisor to ensure that earned nonexempt compensatory time does not exceed the allowable limit.

6. Overtime and nonexempt compensatory time shall be recorded in no smaller than increments of 1/10-hour.

Timetable:

6	minutes	=	.1	hour	12	minutes	=	.2	hour
18	minutes	=	.3	hour	24	minutes	=	.4	hour
30	minutes	=	.5	hour	36	minutes	=	.6	hour
42	minutes	=	.7	hour	48	minutes	=	.8	hour
54	minutes	=	.9	hour	60	minutes	=	1.0	hour

Overtime/nonexempt compensatory time is not earned until an employee has 40 hours in a pay status each week. If the employee has elected to receive overtime pay, the hours over 40 must be recorded in the "*Overtime Pay*" row of the timecard. If the employee has elected to receive nonexempt comp time, the compensatory hours must be recorded in the "*Comp Time Earn*" row of the timecard.

7. Compensatory time off must be taken in minimum increments of one-half hour (.5). Time off is left to the discretion of the immediate supervisor and the employee.

8. When an employee transfers to another position within the department, nonexempt compensatory time may be cashed out prior to the transfer at the employee's current rate of pay prior to the transfer.

9. When an employee's position is reclassified, the FLSA classification must be evaluated. If the reclassification of a position results in changing the FLSA classification from exempt to nonexempt, all exempt compensatory time should be used prior to using nonexempt compensatory time.

10. Nonexempt compensatory time must be cashed out at the current rate of pay when an employee terminates employment with the department. Nonexempt compensatory time cannot transfer between agencies.

11. Employees covered under a union agreement must follow the terms of the union contract.

12. The department reserves the right to pay for accrued compensatory time at any time, and it will be paid at the regular rate earned by the employee at the time the employee receives such payment.